

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard H. Harvey
Serial No.: 09/844,043
Filing Date: April 27, 2001
Art Unit: 2162
Confirmation No. 2690
Examiner: Jean M. Corrielus
Title: *System and Method for Operating a Database*

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Statement of Substance of Interview

In an Interview Summary received from the Examiner in the above-identified Application regarding the Telephone Interview of 31 March 2008, between Applicant's Attorney, Chad D. Terrell, and Examiner Corrielus, Applicant was instructed as follows:

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office Action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Applicant accepts the Examiner's statement of the substance of the interview except as expanded upon or modified by the following comments.

In the Interview Summary, the Examiner summarizes the amendments to Claims 28 and 36 to which Applicant agreed. To ensure that the record is clear, Applicant includes below a copy of the amendments to which Applicant agreed. Applicant notes that these amendments are only slightly different than what the Examiner indicates in the Interview Summary. The mark-ups to the claims below are relative to the claims as presented for appeal.

28. (Currently amended) A directory services arrangement comprising:

one or more memory modules operable to store a plurality of tables, each table comprising a plurality of rows and columns, operable to store arbitrary data, at least one of the tables comprising information for resolving filters that comprise at least one filter item in a search service; and

one or more processing units operable to:

execute a condition tester operable to determine:

whether each filter item comprises a NOT connective;

and

whether each filter item comprises a type only filter item or a type and value filter item; and

~~the directory services arrangement operable to apply~~, if it is ~~determined~~ a determination is made that the filter item comprises a NOT connective and a type only filter item, ~~apply~~ a logical methodology to evaluate the filter item, the logical methodology comprising expanding an expression of the filter item so that the filter item does not comprise the NOT connective.

36. (Currently amended) Software for processing a database service query, the software being embodied in on a computer-readable medium and ~~when executed operable to~~ having instructions for causing a processor to perform operations comprising:

receive ~~receiving~~ a service query, the service query comprising a filter comprising one or more filter items;

~~expand~~ expanding the filter;

~~apply~~ applying a condition test to each filter item of the filter, the condition test comprising:

determining if the filter item comprises a NOT connective; and

determining if the filter item comprises one of a type only filter item or a type and value filter item; and

~~if it is determined~~ a determination is made that the filter item comprises a NOT connective and a type only filter item, ~~apply~~ applying a logical methodology to evaluate the filter item, the logical methodology comprising expanding an expression of the filter item so that the filter item does not comprise the NOT connective.

In the Interview Summary, the Examiner states that an Agreement with respect to the claims was not reached. Attorney for Applicant's recollection is that an agreement was reached inasmuch as the Examiner agreed to accept the amendments to which Applicant agreed and that those amendments should overcome the rejections of Claims 28 and 36 and their dependent claims under 35 U.S.C. § 101. Attorney for Applicant's recollection is that the Examiner agreed to present these amendments to the panel reviewing the Pre-Appeal Brief Request for Review. The Examiner's statement in the Interview Summary that "[t]he 101 rejection with respect to claims 1, 4-9, 12-17 and 20-27 has been withdrawn," along with the subsequent mailing of the Notice of Allowance, seem to indicate that the panel agreed that these amendments overcame the rejections under 35 U.S.C. § 101.

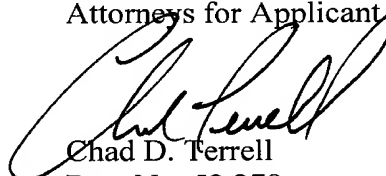
In the Interview Summary, the Examiner indicates that the amendments to which Applicant agreed were to "overcome the 101 rejection set forth in the last office action to which the pre-Appeal request was based upon." The Pre-Appeal Request for Review was based on the Final Office Action mailed October 11, 2007. Applicant submits that the basis of the 101 rejection presented in the Final Office Action was different than the basis of the 101 rejection of Claim 36, which was presented for the first time in the Second Advisory Action mailed January 10, 2008. Additionally, the basis of the rejection of Claim 28 under 35 U.S.C. § 101 in the Final Office Action was different than the basis of the rejection discussed by the Examiner in the March 31, 2008 interview.

If the Examiner feels that a telephone conference is necessary for any reason, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicant, at the Examiner's convenience at (214) 953-6813.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Chad D. Terrell
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Date: May 21, 2008

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